

1 Stephen J. Sirianni (WSBA #6957)
2 Richard E. Spoonemore (WSBA #21833)
3 Eleanor Hamburger (WSBA #26478)
4 Sirianni Youtz Spoonemore Hamburger
5 701 Fifth Avenue, Suite 2560
6 Seattle, WA 98104
7 Tel. (206) 223-0303
8 Attorneys for Plaintiff

Hon. Salvador Mendoza Jr.

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON
11 AT SPOKANE

12 EMPIRE HEALTH FOUNDATION, a
13 Washington nonprofit corporation,

14 Plaintiff,

15 v.

16 CHS/COMMUNITY HEALTH
17 SYSTEMS INC., a Delaware corporation,
18 et al.,

19 Defendants.

NO. 2:17-cv-00209-SMJ

[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS

Hearing: September 14, 2017
With Oral Argument: 1:30 p.m.

20 This matter came before the Court of Defendants' Motion to Dismiss. The
21 Court has considered:

- 22 • the Defendants' Motion (ECF No. 13);
- 23 • the Declaration of Anthony Todaro dated July 10, 2017 and all
24 attachments to that declaration (ECF No. 14, 14-1 to 14-9);
- 25 • Plaintiff's Opposition to Defendants' Motion;

- the Declaration of Eleanor Hamburger dated July 31, 2017 and all attachments to that declaration; and
- Defendants' Reply briefing, if any.

The Court has also considered the other pleadings and records on file and oral argument by the parties' counsel on September 14, 2017, and: __

Based upon the foregoing, the Court hereby DENIES Defendants' Motion to Dismiss with prejudice.

DATED this _____ day of _____, 2017.

SALVADOR MENDOZA JR.
United States District Judge

Presented by:

SIRIANNI YOUTZ
SPOONEMORE HAMBURGER

/s/ Richard E. Spoonemore

Richard E. Spoonemore (WSBA #21833)
Eleanor Hamburger (WSBA #26478)
701 Fifth Avenue, Suite 2560
Seattle, WA 98104
Tel.: (206) 223-0303; Fax (206) 223-0246
Email: rspoonemore@sylaw.com
ehamburger@sylaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies the following recipients of electronic notice:

- **Eleanor Hamburger**
ehamburger@sylaw.com, matt@sylaw.com, theresa@sylaw.com
- **Stellman Keehnel**
stellman.keehnel@dlapiper.com, patsy.howson@dlapiper.com
- **Stephen John Sirianni**
ssirianni@sylaw.com, matt@sylaw.com, theresa@sylaw.com
- **Richard E Spoonemore**
rspoonemore@sylaw.com, matt@sylaw.com,
rspoonemore@hotmail.com, theresa@sylaw.com
- **Anthony Todaro**
anthony.todaro@dlapiper.com, karen.hansen@dlapiper.com,
patsy.howson@dlapiper.com

DATED: July 31, 2017, at Seattle, Washington.

/s/ Richard E. Spoonemore
Richard E. Spoonemore (WSBA #21833)